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6 **UNITED STATES DISTRICT COURT**  
7 **SOUTHERN DISTRICT OF CALIFORNIA**

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9 EMILIO ARCIENAGA-GARCIA,  
10  
11 vs. Plaintiff,  
12 UNITED STATES OF AMERICA,  
13 Defendant.  
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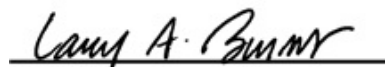
11CR1097-LAB  
CASE NO. 12-CV-921-LAB  
**ORDER DENYING § 2255  
PETITION**

15 Arcienaga-Garcia pleaded guilty on June 28, 2011 to conspiracy to import 100  
16 kilograms or more of marijuana. See 11-CR-1097. He was sentenced to 60 months in  
17 custody, and he waived appeal. Then, on April 13, 2012, he filed a federal habeas petition  
18 alleging that his counsel was ineffective, that his plea was not knowing, voluntary, and  
19 intelligent, and that his sentence violates his right to equal protection.

20 The Court has reviewed the petition, as well as the Government's response filed on  
21 May 15, 2012. It finds that Arcienaga-Garcia's petition presents claims that are baseless on  
22 both the facts and the law, and in spots they are both frivolous and unintelligible. The  
23 petition is therefore **DENIED**. The Court also denies Arcienaga-Garcia a certificate of  
24 appealability. See 28 U.S.C. § 2253(c)(2).

25 **IT IS SO ORDERED.**

26 DATED: January 14, 2013

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28 **HONORABLE LARRY ALAN BURNS**  
United States District Judge